



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

FA(MAT) No. 65 of 2024

Ashish Kumar Shukla S/o Shri Manoharlal Shukla Aged About 42 Years R/o 27 Kholi, Indrasen Nagar, Bilaspur, Tahsil And District Bilaspur, Chhattisgarh.

... AppellantVersus

Smt. Preeti Sharma W/o Shri Ashish Kumar Shukla, D/o Shri Bhushan Lal Sharma Aged About 38 Years R/o Kurmipara, Ward No. 9, Balod, District : Balod, Chhattisgarh

... Respondent

[Cause-title taken from Case Information System (CIS)]

 For Appellants : Mr. Pritam Tiwari, Advocate
 For Respondent-State : Mr. Trevenee Shankar Sahu, Advocate

Division Bench

Hon'ble Shri Justice Sanjay K. Agrawal and
Hon'ble Shri Justice Sachin Singh Rajput

Judgment on Board
(07.04.2026)

Sanjay K. Agrawal, J

1. In this appeal the appellant-husband is challenging order dated 15.01.2024 (Annexure-A/1), whereby his suit for grant of decree of divorce has been rejected by the learned Family Court, Balod (CG).

2. However, during the pendency of this appeal, the appellant and the respondent have filed applications for settlement of the dispute and it is also stated that an amount of Rs.15,00,000/-, as permanent

alimony, is also said to have been paid by the appellant to the respondent on 06.04.2026 vide Cheque No.099751 of State Bank of India. Further, the parties have also filed an application under Section 13B of the Hindu Marriage Act, dully supported by affidavit of the appellant and the respondent, seeking dissolution of their marriage and grant of a decree of divorce on mutual settlement.

3. Learned counsel appearing for the parties jointly submits that the appellant and the respondent are residing separately for more than 01 year and since their dispute has already been settled and the respondent-wife has been paid a sum of Rs.15 lac. by the appellant-husband as maintenance, in light of the decision of the Supreme Court in Amardeep Singh v. Harveen Kaur¹, the statutory period under Section 13B (2) of the Hindu Marriage Act may be waived off and the marriage of the parties may be dissolved and a decree of divorce be also drawn accordingly.

4. In that view of the matter, since the dispute between the parties have already been settled amicably and they have filed application for settlement, upon which, their statements have also been recorded by the Registrar (Judicial) of this Court on 06.04.2026 and the respondent-wife has been paid a sum of Rs.15 lac. by the appellant-husband as permanent alimony on 06.04.2026 vide Cheque No.099751 and the parties have also filed an application under Section 13B of the Hindu Marriage Act, dully supported by

1 (2017) 8 SCC 746

affidavits of the appellant and the respondent, seeking dissolution of their marriage and grant of decree of divorce on mutual settlement and they are also living separately for more than 01 year and in light of the decision of the Supreme Court in Amardeep Singh (supra) the statutory period of six months provided under Section 13-B(2) is waived off. Consequently, impugned order dated 15.01.2024 (Annexure-A/1), passed by the learned Family Court, is hereby set aside. The marriage between the appellant and the respondent is hereby dissolved under Section 13B of the Hindu Marriage Act, 1956 on mutual consent and it is directed that a decree to that effect be drawn accordingly by the Registry of this Court.

5. The appeal is **allowed** to the extend indicated herein-above leaving the parties to bear their own cost.

sd/-
(Sanjay K. Agrawal)
Judge

sd/-
(Sachin Singh Rajput)
Judge